

care to an individual, or the past, present, or future payment for the provision of health care to an individual; and

“(II) that identifies an individual, or with respect to which there is a reasonable basis to believe that the information can be used to identify an individual.”.

### SEC. 3. OPT-IN FOR SHARING OF INFORMATION.

Section 502 of the Gramm-Leach-Bliley Act (15 U.S.C. 6802) is amended—

(1) in subsection (a)—

(A) by inserting “any affiliate or” before “a nonaffiliated”;

(B) by striking “unless such” and inserting the following: “unless—

“(1) the institution provides”; and

(C) by striking the period at the end and inserting the following: “; and

“(2) the consumer to whom the information pertains—

“(A) has affirmatively consented (in writing, in the case of health information, as defined in section 509(4)(D)), in accordance with rules prescribed under section 504, to the disclosure of such information; and

“(B) has not withdrawn such consent.”; and

(2) by striking subsection (b) and inserting the following:

“(b) DENIAL OF SERVICE PROHIBITED.—A financial institution may not deny a financial product or a financial service to any consumer based on the refusal by the consumer to grant the consent required by this section.”.

### SEC. 4. COMPLIANCE OFFICERS.

Section 503 of the Gramm-Leach-Bliley Act (15 U.S.C. 6803) is amended by adding at the end the following:

“(c) COMPLIANCE OFFICERS.—Each financial institution shall designate a privacy compliance officer, who shall be responsible for ensuring compliance by the institution with the requirements of this title and the privacy policies of the institution.”.

### SEC. 5. LIABILITY.

Section 505 of the Gramm-Leach-Bliley Act (15 U.S.C. 6805) is amended by adding at the end the following:

“(e) CIVIL PENALTIES.—The Attorney General of the United States may bring a civil action in the appropriate district court of the United States against any financial institution that engages in conduct constituting a violation of this title, and, upon proof of such violation—

“(1) the financial institution shall be subject to a civil penalty of not more than \$100,000 for each such violation; and

“(2) the officers and directors of the financial institution shall be subject to, and shall be personally liable for, a civil penalty of not more than \$10,000 for each such violation.”.

S. 451

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1 SHORT TITLE.

This Act may be cited as the “Social Security Number Protection Act of 2001”.

### SEC. 2. PROHIBITION OF THE SALE OR PURCHASE OF A SOCIAL SECURITY NUMBER.

(a) DEFINITIONS.—In this section:

(1) PURCHASE.—The term “purchase” means providing directly or indirectly, anything of value in exchange for a social security number.

(2) SALE.—The term “sale” means obtaining, directly or indirectly, anything of value in exchange for a social security number.

(3) SOCIAL SECURITY NUMBER.—The term “social security number” has the meaning given that term in section 208(c) of the Social Security Act (42 U.S.C. 408(c)), and in-

cludes a social security account number (as defined in such section) and any identifying portion or derivative of such a number.

(b) PROHIBITION OF THE SALE OR PURCHASE OF A SOCIAL SECURITY NUMBER.—No person may sell or purchase a social security number.

(c) CIVIL MONEY PENALTIES.—

(1) IN GENERAL.—Any person who the Attorney General determines has violated subsection (b) shall be subject, in addition to any other penalties that may be prescribed by law, to a civil money penalty of not more than—

(A) in the case of an individual, \$10,000 for each such violation; and

(B) in the case of any other person, \$100,000 for each such violation.

(2) ENFORCEMENT PROCEDURES.—The provisions of section 1128A of the Social Security Act (42 U.S.C. 1320a-7a) (other than subsections (a), (b), (f), (h), (i), (j), and (m), and the first sentence of subsection (c)), and the provisions of subsections (d) and (e) of section 205 of the Social Security Act (42 U.S.C. 405), shall apply to a civil money penalty imposed under this subsection in the same manner as such provisions apply, respectively, to a penalty or proceeding under section 1128A(a) of that Act or to a hearing, investigation, or other proceeding authorized or directed under title II of that Act, except that, for purposes of this paragraph, any reference in section 1128A of that Act to “the Secretary” and any reference in section 205 of that Act to “the Commissioner of Social Security” shall be deemed to be a reference to the “Attorney General”.

(d) CRIMINAL SANCTIONS.—Section 208(a) of the Social Security Act (42 U.S.C. 408(a)) is amended—

(1) in paragraph (8), by inserting “or” after the semicolon; and

(2) by inserting after paragraph (8) the following new paragraph:

“(9) knowingly and willfully sells or purchases (as such terms are defined in section 2(a) of the Social Security Number Protection Act of 2001) a social security number (as defined in subsection (c));”.

By Mr. NICKLES (for himself,  
Mr. ENZI, Mr. BOND, and Mr.  
HUTCHINSON):

S.J. Res. 6. A joint resolution providing for congressional disapproval of the rule submitted by the Department of Labor under chapter 8 of title 5, United States Code, relating to ergonomics; to the Committee on Health, Education, Labor, and Pensions.

S.J. RES. 6

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That Congress disapproves the rule submitted by the Department of Labor relating to ergonomics (published at 65 Fed. Reg. 68261 (2000)), and such rule shall have no force or effect.

### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 40—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. GRAMM submitted the following resolution; from the Committee on Banking, Housing, and Urban Affairs; which was referred to the Committee on Rules and Administration.

S. RES. 40

*Resolved,* That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing, and Urban Affairs is authorized from March 1, 2001 through September 30, 2001; October 1, 2001, through September 30, 2002; and October 1, 2002, through February 28, 2003, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period March 1, 2001, through September 30, 2001, under this resolution shall not exceed \$2,741,526 of which amount (1) not to exceed \$11,667 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 201(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$496 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period of October 1, 2001, through September 30, 2002, expenses of the committee under this resolution shall not exceed \$4,862,013 of which amount (1) not to exceed \$20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$850 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period of October 1, 2002, through February 28, 2003, expenses of the committee under this resolution shall not exceed \$2,079,076 of which amount (1) not to exceed \$8,333 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$354 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2003.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or

(7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2001, through September 30, 2001; October 1, 2001, through September 30, 2002; and October 1, 2002, through February 28, 2003, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

#### SENATE RESOLUTION 41—DESIGNATING APRIL 4, 2001, AS "NATIONAL MURDER AWARENESS DAY"

Mr. SHELBY (for himself and Mr. SESSIONS) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 41

Whereas murder needlessly claims the lives of thousands of Americans each year;

Whereas murder has a devastating effect on the families of victims throughout the United States; and

Whereas local community awareness and involvement can help eliminate the incidences of murder: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates April 4, 2001 as "National Murder Awareness Day"; and

(2) requests that the President issue a proclamation urging local communities throughout the United States to remember the victims of murder and carry out programs and activities to help eliminate the incidences of murder.

#### NOTICE OF HEARING

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will meet on March 6, 2001, in SH-216 at 9 a.m. The purpose of this hearing will be to review nutrition and school lunch programs.

#### AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. THOMAS. Mr. President I ask unanimous consent that the Senate Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday, March 1, 2001. The purpose of this hearing will be to review the statutes of conservation programs in the current farm bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, March 1, 2001, at 2:30 p.m., in open session to receive testimony on current and future worldwide threats to the national security of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, March 1, 2001, at 2:30 p.m., in closed session to receive a briefing from the Joint Chiefs of Staff on current military operations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, March 1, 2001, to conduct a markup of S. 143, the Competitive Market Supervision Act of 2001; the Banking Committee funding resolution for the 107th Congress; and other committee organizational matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, March 1, 2001, at 9:30 a.m. on digital TV.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday March 1, 2001, at 10 a.m. and 2:30 p.m., to hold two hearings.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate on Thursday, March 1, 2001, beginning at 10 a.m., in room 428A of the Russell Senate Office Building, to hold a forum entitled "Encouraging and Expanding Entrepreneurship: Examining the Federal Role."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS AFFAIRS

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Veteran's Affairs be authorized to meet to conduct a joint hearing with the House Committee on Veteran's Affairs to receive the legislative presentations of the Retired Enlisted Association, Gold Star Wives of America, the Fleet Reserve Association, and the Air Force Sergeants Association. The hearing will be held on Thursday, March 1, 2001, at 9:30 a.m., in room 345 of the Cannon House Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INVESTIGATIONS

Mr. THOMAS. Mr. President, I ask unanimous consent that the Perma-

nent Subcommittee on Investigations of the Governmental Affairs Committee be authorized to meet during the session of the Senate on Thursday, March 1, 2001, 9:30 a.m., for a hearing entitled "The Role of U.S. Correspondent Banking In International Money Laundering."

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PRIVILEGES OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Jake Jagdfeld and Marge Baker be granted the privilege of the floor today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that Reg Leichty of my staff be granted floor privileges for the duration of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXECUTIVE SESSION

#### NOMINATION OF SEAN O'KEEFE TO BE DEPUTY DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET

Mr. BENNETT. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of the nomination of Sean O'Keefe to be Deputy Director of the Office of Management and Budget. Further, I ask consent that the Senate proceed immediately to its consideration, the nomination be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nomination be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The nomination was considered and confirmed.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

#### APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 104-191, reappoints Dr. Richard K. Harding of South Carolina to the National Committee on Vital and Health Statistics for a four-year term.

The Chair, on behalf of the President pro tempore, on the recommendation of the Democratic Leader, pursuant to P.L. 106-398, appoints C. Richard D'Amato of Maryland, Patrick A.